

Message Text

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ACTION IO-10

INFO OCT-01 NEA-09 ISO-00 L-02 SNM-02 AID-05 NSC-05

DEAE-00 CIAE-00 INR-07 JUSE-00 NSAE-00 RSC-01 SY-04

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FM AMEMBASSY NEW DELHI

TO SECSTATE WASHDC 6508

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E. O. 11652: N/A

TAGS: SNAR, UN, IN

SUBJ: GOI VIEWS ON AMENDING PROTOCOL TO SINGLE CONVENTION

REF: STATE 12353

1. EMBOF DISCUSSED INDIAN RATIFICATION OF AMENDING PROTOCOL TO SINGLE CONVENTION ON NARCOTIS DRUGS WITH DIRECTOR P. R. SOOD, UN DIVISION, MINISTRY OF EXTERNAL AFFAIRS. SOOD SAID THAT THE GOI IS NOW CONDUCTING A DETAILED STUDY OF THE AMENDING PROTOCOL WHICH WILL TAKE MONTHS TO COMPLETE, AND THAT THE USG SHOULD NOT EXPECT GOI RATIFICATION OF THE PROTOCOL THIS YEAR. CERTAIN PROVISIONS OF THE PROTOCOL MAY NOT BE ACCEPTABLE TO THE INDIANS.

2. ACCORDING TO SOOD, THE EXTRADITION PROVISION IN THE PROTOCOL (ARTICLE 14) IS A SIGNIFICANT OBSTACLE TO INDIAN RATIFICATION. THE PROTOCOL CALLS FOR EXTRADITION OF NARCOTIC TRAFFICKERS BY PARTIES TO THE CONVENTION. HOWEVER, GOI SEES EXTRADITION AS A MATTER FOR BILATERAL AGREEMENT, AND NOT A FIT SUBJECT FOR A MULTILATERAL TREATY. SOOD REMARKED THAT THE INDIANS DO NOT SEE MOST FORMS OF NARCOTICS SMUGGLING AS BEING SERIOUS ENOUGH TO WARRANT EXTRADITION.

3. THE GOI ALSO OBJECTS TO THE PROVISION (ARTICLE 6 OF THE PRO-

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TOCOL) THAT THE INVB CAN RECOGNIZE INFORMATION ON ILLICIT

TRAVVIC IN A COUNTRY FROM SOURCES OTHER THAN HOST GOVERNMENT REPORTS TO THE UN. HE SAID THAT IT WOULD BE UNACCEPTABLE INTERFERENCE IN INDIAN INTERNAL AFFAIRS FOR THE INCB TO PUBLISH DATA ON ILLICIT TRAFFICKING IN INDIA WHICH HAD NOT BEEN FURNISHED BY THE INDIA GOVERNMENT. EMBOFF NOTED THAT THE PROVISION WAS NOT AIMED AT INDIA, BUT RATHER TOWARD GOVERNMENTS WHICH WERE NOT AS SCRUPULOUS AS THE GOI IN KEEPING NARCOTICS FROM FLOWING INTO THE INTERNATIONAL MARKET. SOOD UNDERSTOOD BUT NOTED THAT IN ANY EVENT THE UN WAS POWERLESS TO ACT WITHOUT THE COOPERATION OF THE HOST GOVERNMENT.

4. SOOD FURTHER REMARKED THAT EVEN IF CURRENT GOI STUDY ON AMENDING PROTOCOL REACHED A FAVORABLE CONCLUSION, IT WOULD BE AN ARDUOUS PROCESS TO GET FINAL APPROVAL FROM THE HOME MINISTRY, THE LAW MINISTRY, AND OTHER PARTS OF THE CABINET. WE WERE LEFT WITH THE IMPRESSION THAT GOI, SEEING THE AMENDING PROTOCOL AS A POSSIBLE INFRINGEMENT ON INDIAN SOVEREIGNTY, WILL NOT TRY TO SPEED ITS PASSAGE THROUGH THE BUREAUCRACY.
SCHNEIDER

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